

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GILBERT SANCHEZ

VS.

ENTERPRISE OFFSHORE DRILLING
LLC AND SMART FABRICATORS OF
TEXAS, LLC

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CA No. _____

JOINT NOTICE OF REMOVAL

Defendants, SMART FABRICATORS OF TEXAS, LLC, and ENTERPRISE OFFSHORE DRILLING LLC (hereinafter referred to collectively as “Defendants”) file this Notice of Removal of this dispute to the United States District Court for the Southern District of Texas, Houston Division, and would show as follows:

I.
PENDING STATE SUIT

1. On December 11, 2018, Plaintiff, Gilbert Sanchez (hereinafter referred to as “Plaintiff”) filed a civil action naming as Defendants ENTERPRISE OFFSHORE DRILLING LLC (“Enterprise”) and SMART FABRICATORS OF TEXAS, LLC (“SmartFab”) in the 165th Judicial District Court of Harris County, Texas, under “the Jones Act” and for alleged negligence. *See* Plaintiff’s Original Petition and certificate of citation attached hereto as Exhibit “A-1”. Enterprise was served with Plaintiff’s Original Petition on December 14, 2018. *See* Citation return attached hereto as Exhibit “A-2”. SmartFab was served with Plaintiff’s Original Petition on December 17, 2018. *See* Citation return attached hereto as Exhibit “A-3”.

2. In response, SmartFab filed its Original Answer in the 165th Judicial District Court on January 7, 2019. *See* SmartFab 's Original Answer attached hereto as Exhibit "A-4". Enterprise filed its Original Answer in the 165th Judicial District Court on January 9, 2019. *See* Enterprise's Original Answer attached hereto as Exhibit "A-5".

3. The style of the case being removed is *GILBERT SANCHEZ VS. ENTERPRISE OFFSHORE DRILLING LLC AND SMART FABRICATORS OF TEXAS, LLC.*, Cause No. 2018-88019 in the 165th Judicial District Court of Harris County, Texas.

4. The name and address of the Court from which the case is being removed is:

165th Judicial District Court of Harris County, Texas
201 Caroline St., 12th Floor, Houston, Texas 77002

5. In accordance with Local Rule 81, copies of all process, pleadings, a copy of the docket sheet, together with an index of such documents are attached here to collectively as Exhibit A. A list of all counsel of record is attached hereto as Exhibit B.

II.

TIMING OF REMOVAL

5. Enterprise was served with Plaintiff's Original Petition on December 14, 2018. *See* Exhibit "A-1". SmartFab was served with Plaintiff's Original Petition on December 17, 2018. *See* Exhibit "A-3". Pursuant to 28 U.S.C. Section 1446, this removal is timely as it is being filed within thirty (30) days of Plaintiff serving Enterprise and SmartFab with Plaintiff's Original Petition.

III.

JURISDICTION

6. This case is removed based on the Outer Continental Shelf Lands Act, which has exclusive jurisdiction over this lawsuit. *See Barker v. Hercules Offshore, Inc.*, 713 F.3d 208, 220 (5th Cir. 2013); *see also* 43 U.S.C. § 1349(b)(1). In particular, at the time of Plaintiff's

alleged accident, the jack-up drilling rig at issue in this lawsuit was jacked up in South Timbalier Block 125 on the Outer Continental Shelf. *See* Affidavit of Glen Whitman attached hereto as Exhibit “C.” Accordingly, this Court has federal subject matter jurisdiction under the Outer Continental Shelf Lands Act as required for removal under 28 U.S.C. § 1441.

7. In his Petition, Plaintiff alleges he is a “seaman” and asserts a claim under the “Jones Act,” claiming it is therefore “not removable.” However, as his employer, SmartFab denies that Plaintiff was a seaman, and avers that his claims of seaman status are baseless in law and fact and brought only to frustrate federal jurisdiction.

IV. VENUE

7. Pursuant to 28 U.S.C. section 1441, venue of the removed action is proper in this Court because the 165th Judicial District Court of Harris County, Texas, where this matter was originally filed, is located within in the District and Division of this Court.

V. ANSWERS

8. SmartFab filed its Answer on January 7, 2019. *See* Exhibit “A-4”. Enterprise filed its Answer on January 9, 2019. *See* Exhibit A-5.

VI. NOTICE TO ADVERSE PARTIES AND TO STATE COURT

9. Defendants will give prompt written notice of the filing of this Notice of Removal to Plaintiff as required by 28 U.S.C. Section 1446(d).

10. Defendants will promptly file a copy of this Notice of Removal with the 165th Judicial District Court of Harris County, Texas where the state court action is currently pending as required by 28 U.S.C. Section 1446(d).

WHEREFORE, in conformity with 28 U.S.C. Section 1446, Defendants ENTERPRISE OFFSHORE DRILLING LLC, and SMART FABRICATORS OF TEXAS, LLC, respectfully remove to this Court that civil action styled *GILBERT SANCHEZ VS. ENTERPRISE OFFSHORE DRILLING LLC AND SMART FABRICATORS OF TEXAS, LLC*, Cause No. 2018-88019 in the 165th Judicial District Court of Harris County, Texas.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been forwarded to all the following counsel of record via electronic case filing, facsimile, certified mail, return receipt requested and/or hand delivery on January 11, 2019.

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